

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRIS J. JACOBS,

Petitioner,

ORDER

01-cv-84-bbc

v.

GARY MCCAUHTRY,

Defendant.

On March 20, 2001, Judge Shabaz dismissed petitioner's petition for a writ of habeas corpus with prejudice and judgment was entered. Petitioner appealed the judgment. Judge Shabaz denied petitioner's request to proceed in forma pauperis and for a request of a certificate of appealability on June 6, 2001. Petitioner's second request for a certificate of appealability was denied on June 16, 2001. On September 26, 2001, the United States Court of Appeals for the Seventh Circuit denied petitioner's request for a certificate of appealability and request to proceed in forma pauperis on appeal.

Petitioner then wrote several letters requesting the status of his motion for a certificate of appealability. I construed petitioner's submissions as a renewed motion for

a certificate of appealability, and denied this motion on June 17, 2008. Following this order, petitioner continued to send letters to this court regarding a certificate of appealability. On December 18, 2009, petitioner filed a document titled "Motion for Recall Request for Certificate of Appealability," which I construe as another renewed motion for certificate of appealability. A certificate of appealability shall issue "only if the applicant has made a substantial showing of the denial of a constitutional right." Walker v. O'Brien, 216 F.3d 626, 631-32 (7th Cir. 2000); see also 28 U.S.C. § 2253(c)(2). Unfortunately for petitioner, both this court and the Court of Appeals have already responded to his repeated requests for a certificate of appealability by concluding that he has failed to make this showing. Therefore I will deny petitioner's renewed motion for a certificate of appealability.

ORDER

IT IS ORDERED that petitioner's motion for a certificate of appealability is DENIED.

Entered this 16th day of March, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge